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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,820	09/26/2001	David G. Leeper	42390P10398	2634
8791	7590	08/10/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			FILE, ERIN M	
12400 WILSHIRE BOULEVARD			ART UNIT	
SEVENTH FLOOR			PAPER NUMBER	
LOS ANGELES, CA 90025-1030			2634	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,820

Applicant(s)

LEEPER, DAVID G.

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/9/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because Figure 2 fails to show textual details of elements 200, 210, 220, 230, and 240 as described in the specification. An example of proper textual description is found in Figure 1, for example elements 30-33 are labeled with numerical references and the textual description *Master*. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 3 is objected to because of the following informalities:

The recitation, "wherein polling the first master transmitting device includes polling the first master transmitting device *with a wireless communication*" is somewhat unclear.

The examiner suggests the removal of the article a, making the recitation *with wireless communication*, as a solution to clarify the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-12, 14-17, 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Trampower et al.

Claims 1, 14, 23, Trampower discloses a method in which wireless base station (fig. 3, 156, applicant discloses that a base station is a type of master transmitting device) polls a neighboring base station to determine a hopping sequence of the first master transmitting device. Further, the polling which the wireless base station performs includes using information such as signal quality and traffic load (col. 21, lines 31-32), which in effect tells the polling master device whether the other master device is receiving a signal from a slave device (col. 21, lines 7-60).

Claims 2, 3, 16, inherit the limitations of Claims 1, 1, and 15 respectively, Trompower discloses the use of a wired twisted pair network or wireless means to exchange hopping sequences (col. 8, lines 37-40).

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Claim 5, inherits the limitations of Claim 1. Trompower discloses a method and system where base stations exchange hopping sequences information using a backbone connection (abstract).

Claims 6, 7, both inheriting the limitations of Claim 1. Trompower discloses the method of handing over a mobile terminal from one base station to another (col. 9, lines 47-51) after hopping sequences have been exchanged (col. 21, lines 7-60).

Claims 8, 9, 25, inherit the limitations of Claims 1, 1, and 23, respectively.

Trompower further describes a method of handing off a mobile terminal once the signal strength falls below a threshold value (col. 31, lines 44-48; Col. 29, lines 5-46).

Claim 10, 17, inherit the limitations of Claims 1 and 14, respectively. Trompower et al describes the updating of roaming tables of mobile stations, which in turn update other base stations and terminals after handoff (col. 24, lines 21-43). Therefore "neighboring" base station tables are updated using this method.

Claim 11, inherits the limitations of Claim 1. Trompower describes the mobile devices sending beacon packets to base stations with updated hopping sequences when moving to a new cell. "As is explained below in connection with FIGS. 15A-15B, a mobile terminal 166 which newly registers with a base station 154, 156 transmits a mobile terminal update packet to the new base station 154, 156 which includes current

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hopping sequence timing information and test pattern information for the basestation 154,156 with which the mobile terminal 166 was previously registered." (col. 24, lines 44-54) Since base stations also send their information to each other through the backbone as disclosed above, it can be inferred that the mobile stations, or "slaves", are in fact adjusting their hopping sequences to base stations, or "masters", in other cells.

Claim 12, inherits the limitations of Claim 1. Trompower describes the switching of hopping sequences of the mobile terminal during handoff (col. 2, lines 31-37).

Claims 15, 24, inherit the limitations of Claims 14 and 23, respectively. Trompower describes the use of sending beacon packets to exchange hopping sequences (col. 2, line 58 - col. 3, line 33).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

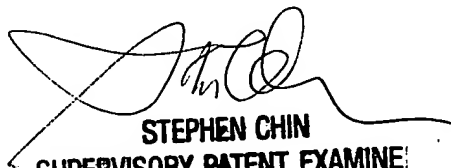
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erin M. File

EMF

8/1/2005


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